

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR GLORIA MOLINA

April 29, 2003

The Board of Supervisors has been concerned about the cost of civil litigation and has instituted measures to reduce this cost including the hiring of a County Risk Manager as well as a Litigation Cost Manager within the Office of County Counsel. While litigation may be unavoidable, the County should implement every possible measure to reduce costly litigation and settlements.

Frequently, when judgments and settlements are submitted to the Board of Supervisors for approval, it is unclear whether the settlement could have been reached for less overall expense to the taxpayer when all expenses are considered. Nor is it apparent that cases are evaluated for the lessons they may teach, so that future litigation expenses can be minimized. In order to facilitate the work of the Risk Manager, the Litigation Cost Manager, and the Board of Supervisors, a litigation evaluation and assessment tool should be developed for all judgments and settlements that are submitted to the Board of Supervisors for approval. This litigation evaluation should compare the original litigation plan and the exposure assessment with the final outcome and explain the divergence, if any.

MOTION

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| Molina | _____ |
| Yaroslavsky | _____ |
| Knabe | _____ |
| Antonovich | _____ |
| Burke | _____ |

It should also address adequacy of settlement offers, settlement conferences, the timing of these, and the legal costs of representation. Finally, the Litigation Evaluation shall indicate what lessons have been learned and how those lessons will be utilized to reduce total County cost in future cases.

I THEREFORE MOVE that the Board of Supervisors direct County Counsel, with the assistance of the Risk Manager, within 30 days, to develop a Litigation Evaluation and Assessment Tool to be included in all judgments reported to the Board of Supervisors, and all settlements submitted for approval to the Board of Supervisors, which compares the original litigation plan and assessment of legal exposure with the final outcome and explaining the divergence that may have occurred. It shall include the lessons learned from the matter and how they can be utilized to reduce cost in future cases.